

UNCLASSIFIED

Annex D
Saigon
A-255

MEMORANDUM

Date: December 6, 1974

TO: The Ambassador

FROM: M. J. Spear, Consul General, Nha Trang

SUBJECT: Dissent Message of Mr. Charles B. Smith, Jr.

1. While I believe the Embassy in Saigon will respond to Mr. Smith's dissent, I would like to enter my own demurrer with regard to his objections to the reporting from this Post.

2. Mr. Smith feels that failure to clearly label GVN military initiatives as violations of the cease-fire amounts to a consistent distortion of reporting, serious enough to call into question the Department's ability to reach policy decisions based on this reporting. He cites two instances of this from the Cease-Fire Weekly reports from Nha Trang.

3. I have reviewed the Cease-Fire Weekly reports drafted by Mr. Smith and I note that during the period they cover, the GVN outposts at Dak Pek in Kontum and Tieu Atar in Darlac were assaulted and captured by communist forces and a major thrust was carried out by elements of the 3rd NVA Division in Binh Dinh against GVN positions including the Phu Cat airbase. None of these were characterized in Mr. Smith's reporting as communist violations of the cease-fire. Mr. Cook, who was Acting Consul General at the time, advises me that the question of so characterizing them was never raised by Mr. Smith. This, together with his recommendation that a panel should be constituted to investigate reporting of "...possible South Vietnamese cease-fire violations, instances of corruption and any other occurrences which might be seen as reflecting adversely on the South Vietnamese effort," suggest to my mind that Mr. Smith may have a few biases of his own which he believes should be reflected in official reporting. I do not see how this would differ from the "consistent distortion of reporting" of which he complains.

UNCLASSIFIED

UNCLASSIFIED

7. The Moose-Melissner report, which Mr. Smith cites with approval, notes that "lack of respect for the (Paris) Agreements is so widespread that it is impossible to apportion responsibility for the continued fighting. Even in the case of isolated incidents, initial responsibility is invariably lost in cycles of action and reaction." With this I would agree, and that's why we try to avoid value judgments and let the facts speak for themselves.

6. Mr. Smith feels he should have described a GVN operation as a "deep penetration into communist base areas" (presumably because this constituted a GVN cease-fire violation). He then goes on to note that these were "base areas from which VC/NVA units had been launching raids", but without any suggestion that these raids constituted cease-fire violations by the communists - prior ones to which the GVN was responding.

5. Turning to specifics, Mr. Smith complains that it was necessary to repeat as an "intensified action in the Fo Gio area of Kontum" what was an actual division-sized GVN attack on NVA lines north-east of Kontum city. I note that the following week he reported this as "a push toward Vo Dinh by the 41st and 44th Regiments". I believe the Viet-Nam experts in the Departments of State and Defense are capable of recognizing a push by two regiments as a division-sized attack without the benefit of Mr. Smith's Order of Battle analysis. I cannot see that there was any "cover-up" in this reporting.

4. At this Post we have simply reported the facts as best we could gather them (and this is difficult enough, at best) and have been content to let them speak for themselves, without trying to characterize them (unless this is clearly labelled as "Comment"). We believe the Department is quite capable of drawing its own conclusions.

UNCLASSIFIED

Page 2
Annex D
Saigon A-255

Annex E
Saigon
A-255

UNCLASSIFIED

REFLECTIONS ON DISSENT

Address by
The Honorable Graham Martin
Special Assistant to the Secretary of State
at the
Fall Convocation
of
Wake Forest University
Winston-Salem, N.C.
Thursday, September 18, 1969
11:00 a.m.

I have just returned from Istanbul where I represented the United States Government at the XXI World Conference of the Red Cross. Our headlines are usually devoted to violence and tension. This Conference, attended by the representatives of the National Red Cross and Red Crescent Societies of 96 nations and by government delegations representing 84 countries, bears eloquent testimony that there is still overwhelming concern in the great humanitarian objectives which constituted the agenda for this conference.

On the way, I again visited Geneva. It is fascinating to renew contacts with old friends, to discuss what is happening in the world and to speculate on how future events may unfold. Most useful is the deeper perspective one gains from the opportunity to learn how this great nation really looks to experienced, dispassionate and perceptive observers of other nations.

In talking to one old friend, one of Europe's most distinguished scholars, I told him that I had been asked to deliver an address at the Fall Convocation at my old school. I said that I regarded the award of the degree of Doctor of Laws from Wake Forest University as one of the highest honors I had ever received in a career that had given me more honors than I could possibly deserve. I hoped, therefore, I would have something useful to say.

My friend was silent for a moment. He then said that he was very glad that I so regarded it. He believed, he said, along with his British colleague, C. P. Snow, that the church-related liberal

UNCLASSIFIED

UNCLASSIFIED

Some of us can testify from experience that it will never be a non-hazardous undertaking. Some of us can also say that if dissent is to be effective, that dissent must be not only vigorous but also informed and intelligent.

If students are going to have any influence on the larger establishment they will soon join, dissent from "conventional wisdom" which has lost its relevance simply must become part of their baggage.

So, I am going to speak about dissent. Our system cannot really endure without it. Yet, unbridled, it can destroy all that we cherish.

He asked what I had chosen as a theme. I replied that I wanted to offer a few reflections on dissent. He looked out over the terrace and pointed across the lake to the old city of Geneva. It is good that you stopped by here, he said, you can start by thinking again of our Jean Jacques Rousseau and the influence of his writings on your Thomas Jefferson. This ancient Republic and Canton of Geneva has had an historic connection with the quality of dissent in America, he went on, and we, as in fact does the entire world, are watching with fascination how you are handling it now because on your success may very well depend our survival.

There are many things it would be useful to say, he went on. You could comment on the failure of the communications media to adequately inform our peoples. The virtual revolution in communications technology has so deluged us with unrelated facts that we are in great danger of losing the perspective that is essential to survival in a nuclear world. I said that I agreed with him but that I had already alluded to this dangerous drift in some comments I had made before the Overseas Press Club in New York in 1966.

arts institutions in the United States were rapidly becoming one of the last bastions for the preservation of that particular sense of responsibility imparted through an acquaintance with and respect for the humanities. If these basic values are not preserved, he thought, it is not likely that our civilization can make the necessary adaptations that will insure its continued dedication to the principle of individual human dignity.

UNCLASSIFIED

Page 2
Annex E
Saigon A-255

Page 3
Annex E
Saigon A-255

UNCLASSIFIED

Few would contend that dissent on the American scene today is marked by a lack of vigor. Fewer still, I think, would contend that, on the whole, it is an informed dissent, or, very often, that it is an intelligent dissent. Nevertheless, the unparalleled revolution in communications technology now guarantees that certain aspects of current American dissent, particularly those involving dramatic instances of violence, are immediately known throughout the world. Herein, I suggest, lies a very great danger which must give us most serious concern.

Many observers of our free and open society have been confused by the toleration toward violent expression of dissent that has been a consistent part of the American tradition. The man I consider the most distinguished living alumnus of Wake Forest graphically described this phenomenon in a terse, tightly reasoned essay entitled "The Inscrutability of the Yankee".

The universality and pervasiveness of the influence of the values absorbed by those exposed to the great Wake Forest faculties is once again illustrated by the fact that I first encountered this essay in Cairo in 1943 where it had been reprinted in an English language literary journal.

Gerald W. Johnson, as only he could with his uniquely masterful command of the art of lucid and cogent exposition, made an arresting and compelling point. It was that while we ascribe to the Orient a certain talent for obscuring real meaning by an impassivity of countenance and circumlocution of expression, it is really we Americans who often totally confuse the rest of the world.

Gerald Johnson was calling attention to such events of the thirties as the Johnson Act, the Neutrality Act, and extension of the draft in the House of Representatives by a one-vote margin, and Roosevelt's 1940 campaign speech in Boston with the assurance given "Again, Again and Again" that our sons would not be involved in a foreign war.

These instances, Johnson pointed out, and others like them could be and were interpreted by Hitler's analysts of the American scene as clear evidence that they could pursue their ambitions

UNCLASSIFIED

UNCLASSIFIED

Wiggins went on to point out that "When we quarrel with today's dissenters we may be differing with tomorrow's conformists. Some principles are changeless and immutable, but most policies

"Let us begin with the duty to dissent from the policy of government when that policy seems to the individual citizen to constitute a departure from national interest or moral rectitude. That there is such a duty, it seems to me, is the very essence of self-government, the very vital spark of a democratic system. A people devoid of this impulse would induce such passivity into an electorate as to make the form of government a matter of indifference. And a people with this impulse will invest even the most unsatisfactory system of government with the vigor and force that may make it adequate to deal with society's problems."

If, as I have already observed, our system cannot really endure without dissent, we must consider the nature of the duty to dissent and try to locate the appropriate limits on the right to dissent. Another of the truly great American journalists, J. R. Wiggins, has put it very well:

The intervening quarter-century has invalidated time and again the perceptive observations of Gerald Johnson on "The Inscrutability of the Yankee". In my own mind, there is no doubt that the Korean War and the Cuban Missile Crisis had their origins in the same basic misreading of the American scene. The latter event brought us to the edge of the abyss of nuclear confrontation. Therefore, it seems to me that elementary prudence indicates, now and in the foreseeable future, a compelling necessity to take into account the effects our dissent may have abroad. Another such serious miscalculation, in an age of growing nuclear stockpiles, may involve, quite literally, the continued existence of mankind.

without effective American opposition. Yet, as Gerald Johnson correctly concluded, underneath the surface indices provided by these individual instances, there was clearly emerging, apparent to all truly perceptive observers, a consensus that would rapidly insure the full employment of American resources against the aggressors of that historical time-frame.

UNCLASSIFIED

Salgon A-255

Annex E

Page 4

Page 5
Annex E
Saigon A-255

UNCLASSIFIED

are transient and perishable." Not only the change from generation to generation but the change from day to day must concern us when we deal with contemporary dissent, he added, calling attention to the plaint of Thomas Decker in 1603: "Upon Thursday it was treason to cry God save King James of England, and upon Friday, high treason not to cry so."

"Americans then", Mr. Wiggins said, "are inclined to tenderness toward dissent by the instruction of their own history, by the exhortation of their philosophers, by the knowledge that truth is changing and by the counsels of their heart--which incline them, if the truth be told, toward the disrespect of authority and the admiration of nonconformity."

But he went on quickly to add that this inherited characteristic was balanced by another in the American makeup "deriving from their respect for order, their belief in representative government, their confidence in the wisdom of the majority and their belief in the integrity of their own government."

My friend in Geneva had referred to the intellectual debt we owed to Jean Jacques Rousseau, the violent anti-monarchist who helped set Europe aflame with revolution and who had a profound influence on Jefferson. But revolution was not all that we absorbed from Rousseau. As Wiggins reminds us, in his elaboration the theory of the Social Contract, Rousseau "called it an agreement of individuals to subordinate their judgment, rights and powers to the needs and judgment of their community as a whole. He saw all citizens as entering implicitly into this contract to conform to the general will -- a combination to the will of the majority, the lessons of the past and the fate of the future. And he thought that if, as often happens, an individual does not agree with that will as expressed in law, the state may justly force him to submit. This was not viewed as a violation of freedom, but as a preservation of it, even for the refractory individual; for in a civil state it is only through law that the individual can enjoy freedom from assault, robbery, persecution, calumny and a hundred other ills. He thought this especially true in Republics for 'obedience to a law which we prescribe to ourselves is liberty'".

UNCLASSIFIED

UNCLASSIFIED

For those included in this particular special group, we need not overly concern ourselves with trying to ascertain the appropriate limits on their rights and duties, since they admit of no responsibility and demand unlimited right including the right to use force and violence. Even Dr. William Sloane Coffin has said that "You cannot ask the government to respect your right to be a revolutionary".

But for those who are not really interested in the rights and responsibilities of dissent within the framework of a democratic society, for those who are interested in the overturn of that society, for those who dissent from the system of government and not just the policy of government, our tradition insures a simple answer. It is that a government and a society, if it intends to survive, has no recourse against them but the second alternative set out by Bacon and Washington.

I have cited these brief references to emphasize that while the essentiality of dissent is as important today as it has always been in our system, our history illustrates that deep in our national fabric are precedents for not permitting dissent to degenerate into anarchy. Our tradition insures that of the two alternatives set out by Bacon and Washington the former is not only more preferable but is also usually perfectly feasible, given the enormous resources and the demonstrated ingenuity this country has available. We should therefore confidently persevere in making rapid progress in diminishing the legitimate discontents.

Francis Bacon in his essay "Of Seditions and Troubles" wisely urged rulers to make every effort to ascertain the causes of discontent and to remove them. If this failed he advocated facing the discontented with overwhelming military force. During Shay's rebellion Washington gave almost exactly the same advice when he wrote to Henry Lee on October 31, 1786: "Know precisely what the insurgents aim at. If they have real grievances, redress them if possible; or acknowledge the justice of them, and your inability to do it in the present moment. If they have not, employ the force of the government against them at once... Let the reins of government then be braced and held with a steady hand, and every violation of the Constitution reprehended".

UNCLASSIFIED

Page 6
Annex E
Saigon A-255

Page 7
Annex E
Saigon A-255

UNCLASSIFIED

I have said that to be constructive and effective, dissent must be informed, intelligent and intellectually honest. But before turning to this type of dissent, may I venture a few comments on some identifiable types of dissent that I find to be distasteful.

The first we might term The Chronic Dissenter. We are all familiar with this type, the perennial nay-sayer, the born pessimist, the intellectual hypochondriac.

They are only mildly annoying. One usually feels sorry for them as one does for those who suffer chronic indigestion. It is unfortunate that we have not yet discovered an intellectual Pepto-Bismol, both to alleviate their discomfort and also our own when we have to listen to them for very long. It is hard to keep one's mind accurately focused on the particular issue they are dissenting on at any given moment. The listener's mind tends to wander. One is apt to find oneself speculating on the possible traumas and frustrations of this dissenter's upbringing that have led to imprisonment in a permanent cage of adolescent rebellion, chirping away unendingly like a busy canary complaining about the inferior quality of his birdseed. One reluctantly concludes that only Group Therapy might be useful and that even there the prognosis would likely be for only marginal improvement.

The second category might be termed The Status Dissenter, who is terribly concerned that his intellectual hemlines are adjusted precisely to the prevailing mode. Although they may be aware from automatic empirical observation that mini-skirts may be a delight or a disaster depending on the quality of what is revealed, they seldom seem aware that such automatic adjustment of their intellectual hem-lines just possibly might reveal a mini-brain. A sub-category of this species might be termed The Melodramatic Status Dissenter. They may be found in all walks of life. Recently we have noted their emergence from the groves of academe whence, moth-like, they are irresistably attracted by the glare of TV kleig lights to become "instant" experts on the rather intricate and complex factors dealing with the life and death of nations. Unfortunately, at times, their contributions have seemed to possess

UNCLASSIFIED

UNCLASSIFIED

In commenting on the increasing incidence of violence, J. R. Wiggins observed that "Nothing is more certain than that one side to a public controversy will not long enjoy a monopoly on the use of force to harass those with whom they disagree. This is a technique perfected by the Facists and the Nazis. Those who are in dissent ought to be the last to encourage a contest in which the side with the most numbers and least scruples is bound ultimately to triumph. Those in dissent, if they are at all far-sighted, should be the first to demand for those who speak in opposition to them full personal security. The business of breaking heads is not an enterprise involving so much ingenuity that others cannot be instructed in it or

A fourth category might be called The Violent Dissenters. With-out wishing to minimize in the slightest the major social questions left still unanswered in today's world, it is my opinion that those dissenters who choose violence as their mode of expression raise a question which towers over all others. They raise the question of our very survival as a nation and a society under law.

The tragedy is at times their grievances are real, are legitimate, are in need of redress, but this fact becomes quickly obscured in the universal revulsion against the tactics they have chosen.

A third category we might term The Loud Dissenters. My hackles still rise when I think of our former Secretary of State, Dean Rusk, who like you received his basic training in the humanities here in North Carolina at Davidson, who was himself a splendid listener, as well as one who showed unfailing courtesy to others, being shouted down by hoots, bullhorns and stamping feet while trying to deliver a speech. I regret that I am compelled to say that to me this is the eternal howl of the tormented infant, who can bear no more frustrations, who must have his way or tantrums must surely follow. Devoid of manners, contemptuous of the well established rules of fair play which have long characterized discussion of public issues in this country, they fail to realize the offense they give and that they automatically signal that the principles they allegedly advocate quite likely could not win acceptance in the acid test of free and rational discussion.

an inverse ratio of value to their legitimate expertise in biology or pediatrics.

UNCLASSIFIED

Page 8
Annex E
Saigon A-255

Page 9
Annex E
Saigon A-255

UNCLASSIFIED

learn to profit by it, if it becomes one of the necessities of public life. When it does, however, dissenters and non-conformists will not gain the greatest advantage from it.... Ours is not a phlegmatic or passive people and recurrent acts of violence will call forth reprisal. Innocent citizens will be the victims of such disorders, but the great casualty will be the political institutions which rest upon freedom of speech."

It is essential, I submit, that we clearly recognize the consequences of failing to insure that the level of violence begins to subside. Wiggins noted "the tendency of dissent and repression to occur in cycles of some kind--to work themselves out through a discernible sequence beginning with disagreement, proceeding to debate and verbal dissent, verging into passive resistance and civil disobedience and culminating in violence. This violent climax has then been followed by a reaction that has tended to reverse the process by starting out to discourage violence alone and that has often proceeded down the scale toward the repression of civil disobedience, passive resistance and even verbal dissent."

Such a process of reaction may well already be underway. All of us, I am certain, devoutly hope that we may be spared future excesses of violence which otherwise, will certainly accelerate inevitable reaction down the scale elaborated by Mr. Wiggins.

A fifth category might be called The Opportunistic Dissenter. I personally find those I would place in this category almost as dangerous as The Violent Dissenter, and far more distasteful. Whatever excuses may be advanced for the misguided zeal of those in other categories do not seem to me to be applicable here.

Usually well-informed, usually quite aware of the importance of the issues to the national safety and well being they are, nevertheless, quite capable of attempting to advance their own careers by supporting a particular aspect of a popular topic of dissent. Such an aspect is usually either distorted out of its true context, or quite often is really irrelevant to the basic issue, but its endowment does give the illusion of participation while providing ample room for rapid disengagement when no longer profitable.

UNCLASSIFIED

UNCLASSIFIED

He recognizes that our modern revolution in communications has posed certain problems with which we are still struggling; that one such problem is the tendency to emphasize only the dramatic; that the emphasis on the dramatic inevitably underscores the chaos often attendant on rapid change and tends to obscure the slow and steady progress that is surely being made. He seeks for perspective, for he knows that without perspective knowledge cannot be equated with wisdom. He is skeptical about the validity of assumptions which dedicated advocates sometimes distort to support the desired rationale. He would not be impressed, for example, by the working papers produced at the Detroit conference in 1967 of the National Council of Churches. The premise that the government of the United States was wholly wrong was never challenged.

The intelligent dissenter has taken the trouble to become informed. He not only knows there are two sides to an argument, he has taken the trouble to know as much as he can about both of them. And in this process he exercises a certain skepticism about what he reads and, most particularly, about what he sees on television.

But there is another kind of dissent. It is rather like a rare flower--it takes a particular happy accident of circumstances and environment to bring it about. It is intelligent dissent. It is marked by several characteristics. I would like to allude to two or three of them.

Fortunately the American people seem to have an innate ability to detect and finally reject the phony, and I am very grateful that there still remain enough honest, sincere, and dedicated journalists to insure that the American people finally get all the facts.

The degree of the confidence of the opportunistic dissenters that they can successfully disengage before the deluge engulfs their sincere followers is only matched by their cynical assumption that the memory of the American people does not extend beyond today's headline. That they are often gambling with the nation's safety is unimportant in comparison with the fleeting transient advantage they calculate to be theirs.

Page 10
Annex E
Salgon A-255

UNCLASSIFIED

Page 11
Annex E
Saigon A-255

UNCLASSIFIED

Wiggins notes that "in fact, this was so clearly the first premise of the session that no occasion arose to even formulate this assumption." I think our intelligent dissenter might have remembered that after leaving the Presidency Thomas Jefferson wrote in 1811 to William Duane:

"It is true that dissentients have a right to go over to the minority, and to act with them. But I do not believe your mind has contemplated that course; that it has deliberately viewed the strange company into which it may be led, step by step, unintended and unperceived by itself. As far as my good will may go (for I can no longer act), I shall adhere to my government, Executive and Legislative, and, as long as they are republican, I shall go with their measures whether I think them right or wrong, because I know they are honest, and are wiser and better informed than I am".

The intelligent dissenter will take time to listen. He listens not simply out of courtesy, although that should always be a basic motivation. He listens not just to gather breath for a new onslaught, or to wait to pounce on the flaws of an opposing argument. He listens, rather, in the hope of learning something he didn't know before. He listens to find out what flaws there might have been in his own argument, and is quick to acknowledge them where they appear, in the hope of closing on some common ground. He listens because his conviction is basically intellectual, not emotional, and can therefore be changed if the weight of the evidence indicates a change or modification.

The intelligent dissenter knows that his dissent must be responsible. He will remember the words of Zechariah Chafee, in his classic work "Free Speech in the United States", when he said: "I want to speak of the responsibilities of the men who wish to talk. They are under a strong moral duty not to abuse the liberty they possess. All that I have written goes to show that the law should lay few restraints upon them, but that makes it all the more important for them to restrain themselves. They are enjoying a great privilege, and the best return they can make is to use that privilege wisely and sincerely for what they genuinely believe to be the best interests of their country".

UNCLASSIFIED

UNCLASSIFIED

Although he never sought controversy, he seemed to be always involved in dissent. I recognize now that his towering personal integrity would permit no other course. The twenties were turbulent years also and one incident I remember involved one of the great Presidents of this institution, Dr. William Louis Poter. It seems incredible now that such a gentle man as Dr. Poter, the most Christian of Christians, could be subjected to such scathing attacks by both the clergy and the laity of the Baptists of this State for quietly maintaining, as indeed his own integrity demanded, that Darwin was, after all, right.

And, above all, the intelligent dissenter will never forget that in the end, however high the temporary cost may seem to be, he must be true to his own sense of personal integrity. I have had the great good fortune to be sustained all my life by the example of my father who was born a bit to the north of this campus on the banks of the Dan one hundred years ago. He loved this institution, as he did all the Baptist institutions of this State, and it would have given him great pleasure to see me here today. He served his denomination and his State for more than fifty years as a Minister of the Gospel of Jesus Christ. As I grow older I recognize ever more fully that were I allotted twice the normal life span I just might hope to be half the man he was.

That warning, the intelligent dissenter knows, is as valid today as when it was given just before World War II. The intelligent dissenter will know that restraint must be an integral part of his baggage and that he must force himself to display a degree of tolerance that, at times, will be extremely difficult to attain. The intelligent dissenter will remember St. Paul's injunction that the greatest of virtues is that spirit of Christian charity which we profess but too often honor in the breach.

The intelligent dissenter will also remember Chafee's admonition that it would be extremely dangerous "if speakers and writers use their privilege of free discussion carelessly or maliciously, so as to further their own ambitions or the immediate selfish interests of their particular minority. By abusing liberty of speech," he said, "they may easily further its abolition".

UNCLASSIFIED

Page 12
Annex E
Salgon A-255

Page 13
Annex E
Saigon A-255

UNCLASSIFIED

I remember accompanying my father to an Association meeting in Cabarrus County. Speaker after speaker denounced Dr. Poteat until my father could no longer take it. He demanded the floor and I sat spellbound as he lashed them for the ultimate sin of blasphemy in daring to substitute their finite, limited comprehension for the omniscience and omnipotence of God. I still remember the hushed quiet as he closed with the quotation of the exhortation of Oliver Cromwell: "I beseech you, in the bowels of Christ, think it possible that you may be mistaken".

I do not remember the name of the speaker at my own commencement 37 years ago, and only a line or two of his deathless words of wisdom. Perhaps, if you remember two of mine 37 years hence, I will have bettered par for the course. Then, we had other things on our minds as we set out to carve a small niche for ourselves in the establishment. We soon found, as you will, that you don't join the establishment -- it joins you. While I hope you will be intelligent dissenters from such of its manifestations your conscience dictates you must oppose, I also hope you will handle with equal intelligence the dissent you will encounter against those of its institutions in which you deeply believe.

"Think it possible that you may be mistaken". I never forgot that line. I commend it to you. It will make intelligent dissent a little less difficult if you remember, as you encounter a succession of minds that enjoy the rare certainty of complete conviction, that the presence of a reasonable doubt is not an unmitigated disaster in human society.

Thank you for letting me be with you today.

UNCLASSIFIED